

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALBERT M. MARK,

Plaintiff,

v.

HOPE BAUER, *et al.*,

Defendants.

No. C08-0001RSL


ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

On January 15, 2008, plaintiff's pending motions for default and default judgment were terminated following receipt of defendants' answer. On January 18, 2008, plaintiff submitted a letter requesting a review of the file and a ruling on the default issues. The Court construes plaintiff's letter as a motion for reconsideration.

Because an application to set aside a default is "addressed to the sound discretion of the district court" (10A Charles Alan Wright, et al., Federal Practice and Procedure § 2693 (2007)), reconsideration would be appropriate only if plaintiff were to show that the denial of his motion for default following receipt of defendant's answer was an abuse of discretion. Any delay caused by the timing of defendants' response to the complaint is minor, no prejudice has been shown, defendants appear to have a substantive defense, and the public has an interest in resolving this dispute on the merits. The Court finds that plaintiff has not met his burden and his motion for reconsideration (Dkt. # 17) is hereby DENIED.

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

1 Dated this 28th day of January, 2008.

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3 Robert S. Lasnik
4 United States District Judge
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